

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-018298

12/14/2007

HONORABLE WARREN J. GRANVILLE

CLERK OF THE COURT

B. McDonald

Deputy

STATE OF ARIZONA

HILARY L WEINBERG

v.

JULIA ANN ALTHOFF (A)

DOB: 02/05/1937

ELEANOR L MILLER

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DEPT OF CORRECTIONS-PHOENIX

CERTIFICATION DESK-WAIVER-CSC

DISPOSITION CLERK-CSC

RFR

VICTIM SERVICES DIV-CA-CCC

NICHOLAS DEPENTO

550 WEST C STREET

#1160

SAN DIEGO CA 92101

SENTENCE OF IMPRISONMENT

1:45 p.m.

State's Attorney:	Hilary Weinberg
Defendant's Attorney:	Nicholas DePento
Defendant:	Present
Court Reporter:	Elva Cruz-Lauer

The Court has considered the previous testimony and documents as stated on the record.

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IT IS ORDERED granting Rule 20 Motion the State's allegation of betrayal of trust.

IT IS FURTHER ORDERED striking the State's allegation of betrayal of trust.

Closing arguments to Bench Trial proceed.

The Court finds the following aggravating factors were proven beyond a reasonable doubt:

The victim was over 65 years of age, and Multiple offenses, as proven by the jury's verdict in Count 2.

The parties waive the preparation of a Presentence Investigation Report.

Re-Sentencing proceeds.

Ms. Hunt appears telephonically and makes a statement to the Court.

The Defendant makes a statement to Ms. Hunt.

The Court finds the following mitigating factors: The Defendant's poor health, the Defendant's remorse and acknowledgement of responsibility and her family support.

Count(s) 1: The Defendant was found guilty after a trial by jury.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: Reckless Manslaughter

Class 2 Felony

A.R.S. § 13-1101, 1104, 710, 702, 702.01, 801

Date of Offense: On or between April 1, 2002 and April 2, 2002

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 4 year(s) from December 14, 2007

Presentence Incarceration Credit: 1344 day(s)

Mitigated

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IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

The Arizona Department of Corrections/Community Service shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: The Court affirms previously-ordered Restitution, Fines, and Fees with credit for any monies paid to date.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 2 in this case.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Defendant has waived the preparation of a presentence report.

3:08 p.m. Matter concludes.

ISSUED: Order of Confinement - Certified Copy to DOC via Certification Desk

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE WARREN J. GRANVILLE
JUDGE OF THE SUPERIOR COURT

(thumbprint)